



Paper No. 4

Attn: James M. Stipek, Esq.  
Lathrop & Gage L.C.  
2345 Grand Boulevard, Suite 2800  
Kansas City MO 64108

**COPY MAILED****NOV 24 2003****OFFICE OF PETITIONS**

In re Application of :  
CHARLES A. JENNINGS, :  
Application No. 09/838,993 : DECISION GRANTING PETITION  
Filed: April 20, 2001 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 392531 :

This is a decision on the petition, filed October 16, 2003, which is being treated as a petition under 37 CFR 1.137(b) to revive the present nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of an application filed in an 18 month publication country on January 18, 2002. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m);  
and

(3) a statement that the entire delay in filing the  
required reply from the due date of the reply until  
the filing of a grantable petition was  
unintentional.

The present petition has been found to be in compliance with  
37 CFR 1.137(b). Accordingly, the failure to timely notify the  
USPTO of a foreign or international filing within 45 days after  
the date of filing of such foreign or international application  
as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is  
accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C.  
122(b)(2)(B)(i) has been rescinded. A Communication Regarding  
Rescission of Nonpublication Request and/or Notice of Foreign  
Filing, which sets forth the projected publication date of  
March 4, 2004, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit  
2155 for examination in due course.

Any inquiries concerning this decision may be directed to the  
undersigned at (703) 306-5589.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Communication Regarding Rescission of Nonpublication  
Request and/or Notice of Foreign Filing